

UNL FACULTY SENATE MEETING MINUTES

City Campus Union,

April 7, 2009

Presidents Kathy Prochaska Cue, John Fech, and Steve Bradford, Presiding

1.0 Call to Order

President Prochaska-Cue called the meeting to order at 2:33 p.m.

2.0 Announcements

2.1 Call for Nominations to Executive Committee

President Prochaska-Cue reported that nominations for election to the Faculty Senate Executive Committee can still be made. She noted that IANR members need not apply because only two more people can serve on the Committee from the Institute. She pointed out that members from the City Campus are needed. She stated that anyone interested should contact herself or Karen Griffin, Coordinator of the Senate.

2.2 Academic Freedom Award

President Prochaska-Cue reported that the Academic Freedom Award Committee did not forward any nominations to the Faculty Senate for voting this year. She pointed out that academic freedom is near and dear to our hearts and she encouraged faculty members to nominate people who actively support it on campus.

2.3 State AAUP Conference

President Prochaska-Cue stated that she and Professor Franti, Biological Systems Engineering, attended the Conference on March 29th. She stated that AAUP wants UNL to reactivate the chapter on campus. She reported that there will be two informational meetings for faculty members at UNL on Friday, April 10th, and another on Friday, April 17th from 3:00 – 4:00 p.m. in Mabel Lee Hall room 270. She reported that there are approximately 50 – 60 dues paying members at UNL, but there is not an active chapter because officers have not been elected. She encouraged faculty members to attend the meetings.

2.4 LB 674

President Prochaska-Cue noted that the Faculty Senate discussed and voted on a resolution pertaining to LB 674 last month. She reported that the bill has gone to general file but it has been substantially amended since the March 3rd Senate meeting.

3.0 Chancellor Perlman

Chancellor Perlman stated that he wanted to extend his appreciation to the outgoing Senators for their service to the Faculty Senate and university. He also wanted to extend his congratulations to the recent university-wide award winners and noted that there were several from UNL.

Chancellor Perlman reported that the budget situation is still extraordinarily uncertain which makes things awkward for us. He stated that we will not know what will happen with the budget until the Board of Regents meets on June 12th. He pointed out that until then, no decisions can be made. He noted that the Forecasting Board will do a report at the end of April, but he does not believe it will be positive.

Chancellor Perlman reported that the stimulus money will have a significant portion for education and both K-12 and higher education are entitled to the funds if the budget they receive is less than what they received last year. He pointed out that so far, neither K-12 or higher education institutions in Nebraska meet this entitlement. He noted that if neither meets the requirements for the money, the entitlements to the fund will be removed and then it will be up to the legislature to decide how to use the money. He stated that it appears that there is support in the legislature for making tentative allocations with this part of the money to offset the K-12 budget. This in turn could allow us to seek some of the state money that will be freed up if the stimulus money goes to K-12. He pointed out that there are many discussions going on about what to do with the money but the decision will ultimately be made by the legislature.

Chancellor Perlman stated that the next issue is how we manage the budget cutting process here. He stated that he believes we will have some budget cuts, even with the best case scenario. He reported that he is reluctant to do budget cuts during the summer. He noted that the process calls for participation by people on campus and since many people are gone during the summer, he probably will not make any decisions until

September. He stated that he is not sure whether he will make any announcements about the budget cuts during the summer, but he plans to have a serious conversation with the Academic Planning Committee to see how to manage the situation.

Chancellor Perlman pointed out that the new fiscal year begins on July 1. If he waits until September to begin budget cuts this will require the campus to cash flow some things for possibly as long as five months. He stated that he hopes units have saved money this year in order to help with any cash flow problems. He noted that if we are successful in saving money this year, the cash flow situation will hopefully not be a problem.

Chancellor Perlman reported that one factor that is likely to play a part in the budget is salary increases and whether we take all or part of it. He noted that the Regents might make a university-wide decision on this issue. He pointed out that salary increases would begin on July 1 for 12 month employees. He stated that increases may have to be deferred. He stated that deferring the increase is clearly one way to deal with the budget situation. He stated that he would be happy to receive any advice on this subject.

Chancellor Perlman reported that he has put a suggestion box on his website regarding the budget cuts. (<http://www.unl.edu/ucomm/chancellor/2009budget/>) He stated that he has received about 100 suggestions and all of them are sensible. He stated that he has put responses to the suggestions on the website.

Chancellor Perlman stated that the number one suggestion he received was to put the Scarlet on-line and to stop large mailings to the campus. He pointed out that the campus administration does very few mailings. Most of these are from colleges and units. He stated that he has encouraged the deans to consider whether there is value in doing these mailings, although tailoring the mailing list is actually more costly. He stated that he continues to believe that there are savings that can be made on campus.

Chancellor Perlman stated that the cost of printing the Scarlet is partially covered by advertisements that are printed in the bulletin. He noted that the 2001-03 budget cuts required the Scarlet to be more self-supporting. He reported that there are some venues outside of the university that would not allow on-line use of the Scarlet. He noted that the Scarlet is often used as a hand out to public groups. He stated that it is not an expensive thing to produce. He noted that the Scarlet is also used in fund raising efforts. He stated that he is still open to the suggestion but there may be some aspects of the Scarlet that would be lost if it was put strictly on-line.

Chancellor Perlman stated that the question of furloughs was raised in the suggestion box. He reported that furloughs do not help the budget unless they are permanent furloughs. He pointed out that there may be some legal restraints to furloughing tenured faculty members and this raises the issue of treating categories of employees differently. He stated that his natural instinct is not to do any furloughs and he is very reluctant to draw rules that apply to a different class of employee. He stated that this might have to be done but he is very reluctant to do it.

Chancellor Perlman stated that another suggestion was to differentiate salary increases by different levels, but he is very reluctant to do this as well. He stated that anytime you draw a line, it is hard to distinguish between employees. He stated that these are very blunt options that he tends to resist.

Chancellor Perlman reported that there were quite a few suggestions about sustainability measures, such as reducing electricity with the use of motion sensors. He stated that he has no disputes with this suggestion. He noted that the campus is trying to find ways to reduce expenditures and slowly, but surely and within our resources, we are putting in motion detectors.

Chancellor Perlman stated that another suggestion concerns the heating and air conditioning systems in buildings. He stated that there were many comments about buildings being too cold in the summer. He pointed out that temperatures can be more easily controlled in buildings with newer systems, but in buildings with old systems it is much more difficult. He noted that HVAC systems are very expensive to replace.

Chancellor Perlman stated that he was relieved to see that he didn't get more suggestions regarding Athletics, particularly on the salaries of the coaches. He noted that Athletics is self-supporting and also contributes to the university and might be asked to contribute even more in the future.

Chancellor Perlman stated that with respect to salaries, the faculty is 7% below their peer group but Coach Pellini's is 15% below, even after the raise, if you compare his salary to those of the other Big 12 coaches.

Professor Franti stated that he was surprised that the Chancellor didn't recognize us as the happiest state in the country. Chancellor Perlman stated that he thinks this is great and if you read the newspapers and see what some of our colleagues in other states are going through things do not seem that bad here.

Chancellor Perlman stated that firms for creating a master plan and business strategy for Innovation Campus have been interviewed and the university is in the final stage of making a selection from these consultants. He stated that the plan is to take the decision to the Board of Regents at its April meeting. He noted that the firms had to agree that the plans will be completed by December 1st because this is the deadline date for acquiring the land. He reported that he has been impressed with the quality of people and the ideas that they had about Innovation Campus interacting with the university. He pointed out that there must be a strategy that speaks to the interests of the faculty and students.

Chancellor Perlman reported that the search for a Chief Information Officer continues and he deems this as a critically important position for the campus. He stated that the search firm is elated with the number and quality of people who have applied for the position. He stated that candidates may be coming to campus soon for interviews.

Chancellor Perlman reported that the last candidate for the Dean of the Law College is currently on campus being interviewed and finalists for the Dean of CBA have been selected. He noted that the search committee is in the process of inviting these people for on campus interviews.

Professor Chouinard, Mathematics, asked if the Chancellor is aware of what happened on new student enrollment day with the computers in the City Campus Union. He noted that the internet crashed twice on the computers that were being used by new students who were enrolling into courses. He noted that this has happened before. He pointed out that the Union is a showcase that we present to incoming people. He stated that the internet access needs to be made more robust in the Union so it is not susceptible to crashing. Chancellor Perlman stated that he appreciated Professor Chouinard bringing this to his attention and that he will look into the matter.

President Prochaska-Cue asked who the faculty members will be on the internal committee to review the life sciences report. She asked if the list of faculty members will be made public and whether the Faculty Senate will be involved. Chancellor Perlman stated that a faculty committee has been selected and there is a representative from the Academic Planning Committee. He stated that he is not sure whether there is someone from the Senate on the committee. President Prochaska-Cue asked if the list of faculty members can be provided. Chancellor Perlman stated that it can.

President Prochaska-Cue asked what the charge is that was given to the internal committee and whether this can be made public. Chancellor Perlman stated that the committee will come back with a set of recommendations. He stated that he wanted to make sure that there was a broad based group of faculty members who would have the primary responsibility of focusing on the report. He pointed out that the committee is by no means a way to limit the advice from any faculty member, in or outside of IANR. He stated that the same is true for the external committee. He reported that the external group consists of eight people that are broad based. He noted that he expects to get reactions from other external groups as well on the report.

Chancellor Perlman stated that he is continually amazed at the concern the life sciences review process has generated both inside and outside of the Institute. He pointed out that all he has proposed is that we take a look and review our strengths and weaknesses in the field of molecular biology to see where we need to make improvements. He stated that no one is coming in to make any decisions.

Professor Carlson asked when the Chancellor expects to receive the report of the internal committee. Chancellor Perlman stated that the committee is working hard and he hopes to get the report within two or three weeks.

4.0 Recognition of Outgoing Senators

President Prochaska-Cue thanked the following outgoing Senators for their service to faculty governance: Paul Harmon, Construction Management; David Cochran, Industrial Management Systems Engineering; Keith Pedersen, Construction Systems, Roger Sash, Computer Electronics Engineering; Scott Anderson, School of Music; Susan Levine, School of Music; Walter Schacht, Agronomy & Horticulture; Kim Bearnes, Northeast Research & Extension Center; Leo Chouinard, Mathematics; Glenn Ledder, Mathematics; Charles Ansoorge, Educational Psychology, Richard Leiter, Law. Professor Jerry Volesky's term from the West Central

Research & Extension also ended. Senators who have been re-elected are: Aemal Khattak, Civil Engineering; Wes Peterson, Agricultural Economics; James King, Agricultural Leadership, Education & Communication; Gary Zoubek, Southeast Research & Extension Center; Pat Shea, School of Natural Resources; and Diane Farrand, Special Education, & Communication Disorders.

5.0 Approval of 3/3/09 Minutes

Professor J. Michael Jess, School of Natural Resources, moved to approve the minutes. The motion was seconded by Professor Flowers, Psychology. Motion to approve the minutes passed.

6.0 Committee Reports

6.1 Computational Services and Facilities Committee (Professor Flowers)

Professor Flowers reported that the Committee is in somewhat of a holding pattern because of the upcoming changes in the administrative structure because of the hiring of a Chief Information Officer (CIO). He noted that the Committee does have a representative on the search committee for the CIO.

Professor Flowers reported that the Committee participated and responded to the Information Technology Campus Stakeholder Survey conducted by the administration this past fall. He noted that the Committee will be getting feedback about the survey.

Professor Flowers stated that the committee met with consultants that were brought to campus last January to consider digital networking infrastructure and other topics relating to computing. He stated that the report of the consultants has been made available to the Committee. He stated that the Committee will be discussing the report and he reported that some budgetary issues might come out of the discussions.

Professor McCollough, Anthropology, asked if the CIO position will ultimately save us money. Professor Flowers stated that having a CIO will greatly increase the efficiency of computing and communications at the university. He agreed with the Chancellor that there are some excellent candidates for the position. He noted that the Committee has felt that this position has been needed for a long time, and having a CIO would help push the campus into the future of technology. He stated that having a CIO is a very welcomed change and one that the Committee has been encouraging.

Professor Starace, Physics and Astronomy, asked if Professor Flowers could give his view of how well the the needs of the faculty are being met in terms of computing. Professor Flowers stated that this was addressed somewhat in last year's report. He stated that the Committee pointed at some specific ways that we need to move forward in terms of increasing our computing abilities. What level decisions should be made at regarding educational components, servicing of computers, and other computational activities is a question that needs to be answered. He pointed out that having a CIO that would have direct communication with the senior administrators would help to solve this question.

Professor Flowers stated that the campus does have some needs in terms of infrastructure changes, mostly pertaining to security issues. He stated that hopefully this area of computing will be improved by the work of a CIO.

6.2 Executive Committee Report (President Prochaska-Cue)

President Prochaska-Cue noted that the report was sent to the Senate in an email attachment. She stated that the report is a good summary of what the Executive Committee has done this past year. She noted that the list of activities of the President of the Faculty Senate is just a partial list of the things the President is involved in throughout the year.

President Prochaska-Cue pointed out that one of the concerns of the Executive Committee is that both the Senate and the Executive Committee have met fewer times with senior administrators this year than is required by the UNL Bylaws. She noted that she has not brought this to the attention of the administrators yet, but it is something that she hopes to discuss with them. She stated that she knows the administrators have been involved in travel throughout the year but the Faculty and Executive Committee want to meet with the administrators on a regular basis.

President Prochaska-Cue reported that the Executive Committee will be meeting over the summer and will set the goals for the Senate for the 2009-10 year.

7.0 Unfinished Business

No unfinished business was discussed.

8.0 New Business

8.1 Draft UNL Policy and Procedures for Responding to Allegations of Research Misconduct (Professor Lindquist)

Professor Lindquist reported that UNL currently has two policies that address allegations of research misconduct. The first policy was written on behalf of the Senate by the Academic Rights and Responsibilities Committee (ARRC). This policy is the Professional Conduct-B Procedures (PC-B). These procedures were revised and approved by the Board of Regents in September 2005, along with the general procedures of the ARRC.

Professor Lindquist stated that the second policy is the Office of Research's Policy and Procedures for Responding to Allegations of Research Misconduct. He noted that this policy was written in response to an Executive Order from the President of the United States that defined research misconduct and required that Federal funding agencies institute policies to address allegations of research misconduct. He pointed out that since UNL receives federal funds for research, a policy was required that was consistent with federal policies. He reported that the U.S. Public Health Service developed the most comprehensive Federal policy and the UNL Office of Research modeled its policy on the USPHS policy in 2005.

Professor Lindquist stated that the question of why we didn't just use the PC-B policy was raised. He pointed out that the PC-B procedures do not include an inquiry phase, and does not specify the strict regulations on time to completion of each phase imposed by the federal regulations. This is the reason why the Office of Research developed a policy.

Professor Lindquist reported that the problem with the Office of Research policy is that it does not offer some of the protections of the faculty member and this was the major concern of the Executive Committee. He pointed out that the newly drafted document provides more extensive protection of a faculty member.

Professor Lindquist stated that the fact that two policies for addressing allegations of research misconduct came to the attention of the Executive Committee late last summer. He reported that upon reviewing the Office of Research's policy, the Executive Committee realized that this policy appears completely bypass the PC-B procedures and the Committee felt that this needed to be looked into.

Professor Lindquist reported that the Office of Research policy is also no longer in compliance due to changes in the federal regulations. This provided an opportunity to build a new policy, and an ad hoc committee was created by the President of the Faculty Senate. Members of this committee are himself, Professor LaCost, from the Executive Committee, Professor Shea, co-Chair of the ARRC, Associate Vice Chancellor Espy, Research Compliance Director Vasgird, both from the Office of Research, and Associate to the Chancellor Poser.

Professor Lindquist reported that the ad hoc committee met several times over the last few months and molded a draft document. He noted that this draft document complies with the new federal regulations and addresses our concerns of faculty protection.

Professor Lindquist stated that the Executive Committee wishes to present a motion to rescind the PC-B procedures and replace it with the new document. He noted that the current PC-B procedures can be viewed on the Senate website (<http://www.unl.edu/asenate/committees/PCBprocedures.pdf>). He stated that if the Senate approves the motion, the Board of Regents also will need to approve the new policy. This will probably occur this summer and then the document would need to be approved by the U.S. Public Health Service before it can be put into effect. He pointed out that the ARRC procedures would need to be revised to eliminate reference to the PC-B procedures.

Professor Starace asked for examples of the kinds of misconduct that this procedure would cover. He noted that the draft document does not deal with issues of disputes between researchers. Professor Lindquist stated that the document would cover cases of falsification of data, plagiarism, or misappropriation of data. He stated that personality conflicts would need to go to the ARRC Grievance procedures.

Professor Starace asked if the document would just apply to federally funded research or all research. Professor Lindquist stated that it would apply to all research.

Emeritus Professor McShane noted that he was present for all three writings of the PC-B procedures. He stated that PC-B was written because the Professional Conduct A procedures did not address the same alleged

violations. He noted that federal officers were involved in the writing of the PC-B procedures. He stated that the protection of faculty members on these issues is crucial. He asked what the differences are between the current PC-B procedures and the draft document.

Professor Lindquist reported that the PC-B requires that a special hearing committee of faculty members be created. This hearing committee would do all of the investigative process. He noted that the PC-B procedures spell out clearly how the investigation occurs. He stated that with the existing Office of Research policy, an allegation could potentially be made, an inquiry could be conducted, and the decision made without any knowledge of the faculty.

Professor Lindquist stated that one of the positive changes to the proposed document is that the ARRC would have input as to who serves on the committee that would be formed to conduct the inquiry and investigation. He pointed out that with the current PC-B procedures it is possible that no one on the Academic Rights and Responsibilities Panel would be qualified to judge the research work of the faculty member against whom allegations were made. He stated that with the proposed policy the members of the investigative committee could come from the Academic Rights and Responsibilities Panel or other faculty members, but selection of these members would require input from the ARRC chair. He noted that the Research Integrity Officer would actually be the one to ask the people to serve on the committee.

Emeritus Professor McShane pointed out that the purpose of having an ARRC panel is that people are elected who are known to be people who have the confidence of the faculty. There is also a distribution across disciplines in order to diminish the possibility of people not being qualified to serve on a special hearing committee. He stated that he is uneasy about giving up the credibility of an elected faculty committee. He noted that if there was no hearing before a faculty committee, it would be a different matter. He stated that he hopes the Senate will read the documents carefully.

Professor Lindquist agreed that he hoped the Senate would read the document carefully as well. He stated that the ad hoc committee worked to keep the objectivity of the PC-B procedures and the representation from different colleges in the draft document. He stated that it is true that the committee members would not necessarily come from an elected panel, but he hopes the chair of the ARRC will keep in mind recommendation of ARRP members for a committee.

Professor Carlson, asked how the Research Integrity Officer (RIO) is appointed and if that is explained in the document. Professor Lindquist stated that the responsibilities of the RIO are clearly defined in the draft policy, but it does not address how the RIO is appointed. He reported that the ad-hoc committee recently found out that Associate Vice Chancellor Espy is the RIO for UNL.

Professor Shea, School of Natural Resources, noted that Professor Lindquist did a good job of describing the question of the RIO. He noted that there might be questions about how a person becomes the RIO. He stated that it appears that the Vice Chancellor of Research and the administration has the authority to name these kinds of officers. He stated that if this is true, he has some concerns about the appointment, but this is a separate matter from the document. He noted that the Senate might ask whether faculty members should be involved in naming people to important positions like the RIO.

President Prochaska-Cue stated that the motion does not require a second because it is coming from a committee. She noted that the motion will not be voted on until the April 28th meeting and there will be a full discussion about it at that time.

President Prochaska-Cue wanted to thank the ad hoc committee for its work, especially Professors Lindquist, Shea, and LaCost. She noted that a lot of energy and work was put into this effort and they have spent numerous hours to bring the draft document to where it is.

President Prochaska-Cue stated that at the IANR luncheon earlier that day it was pointed out that this document was a good example of the administration and faculty working together to create a policy, rather than the administration presenting a policy for the faculty to rubber stamp. She stated that she hoped that this will be a model for future policies.

8.2 Motion Regarding the Procedures for Significant Budget Reallocation and Reductions

Professor Peterson presented a motion from himself and Professor Wunder calling for the Senate to reject the current procedures that are in place for budget reductions. Professor Peterson read the motion. Motion seconded by Professor McCollough.

Professor Peterson noted that Professor Wunder has spent a lot of time thinking about the procedures and how they were developed. He asked if the procedures have been invoked for the upcoming budget cuts. Professor Fuller, Art & Art History, who is also a member of the Academic Planning Committee, stated that the procedures have been invoked.

Professor Peterson stated that if the motion was approved, the idea is to revert back to the procedures that were used in 1991 before they were changed by former Chancellor Spanier.

Professor Shea reported that several years ago there was an ad hoc committee that worked for two years to put together a draft of new procedures to address budget reductions and reallocations. He stated that the draft from these efforts was to make the process more engaging of the university community but the reaction to the draft proposal was negative. He noted that the Faculty Senate at that time did not push for the document to move forward. By the time the draft was completed, the budget crisis was over. He stated that the concern in the previous budget cuts was that there were problems with the current procedures and that the prior set of procedures were actually superior.

Professor Carlson pointed out that the motion would be expedited if the current and previous set of procedures were provided to the Senate. Professor Fuller noted that the current set of procedures can be found on the Chancellor's website (<http://www.unl.edu/ucomm/chancellor/2009budget>).

Professor Peterson stated that the old procedures created a kind of super Academic Planning Committee which included members from the staff and students. This super committee had some power in being able to block the elimination of departments.

President Prochaska-Cue requested that the outgoing Senators brief the new senators on this motion. Coordinator Griffin noted that the Senate, including the new Senators, will receive a copy of the motion and a copy of both the previous procedures and current procedures.

The meeting was adjourned at 3:52 p.m. The next meeting of the Faculty Senate will be held on Tuesday, April 28th, 2:30 p.m. in the East Campus Union, Great Plains Room. The minutes are respectfully submitted by Karen Griffin, Coordinator, and David Rapkin, Secretary.